

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916)445-2077



July 16, 1990

ALL COUNTY LETTER NO. 90-64

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: STEPHANIE PRATT, ET. AL. VS. GEORGE DEUKMEJIAN,  
GOVERNOR; THOMAS HAYES, TREASURER; GRAY DAVIS,  
CONTROLLER; AND LINDA McMAHON, DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF PUBLIC SOCIAL SERVICES

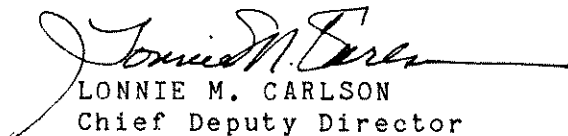
Reference is made to the above indicated lawsuit. Enclosed is a copy of the District Court's ORDER GRANTING TEMPORARY RESTRAINING ORDER AND CERTIFYING CASE AS A CLASS ACTION.

Unless the current budget impasse is resolved by July 27, 1990, please note that the State of California will be in Federal District Court that date arguing its legal position that it does not have the authority to make such AFDC payments due to the fact that, among other things, there is no adopted budget.

Please note that said enclosed ORDER contains a ten day mailing written notice requirement for the termination or reduction of AFDC benefits. Accordingly, this communication is being sent to each of the State's county welfare directors.

You are hereby notified that if the State of California is successful at the July 27 hearing and the Temporary Restraining Order is dissolved, then pursuant to Welfare and Institutions Code Section 11207 counties still remain responsible for making said full AFDC payments.

If you should have any questions, please contact me at (916) 445-2077.

  
LONNIE M. CARLSON  
Chief Deputy Director

Enclosure

ORIGINAL

FILE

07.13.1990

DEPUTY CLERK

- 1 LOIS STRAIN, #67719  
Tulare-King Counties Legal Services
- 2 900 W. Oak Street  
Visalia, California 93291
- 3 (209) 733-8770
- 4 W. ANN MILLER, #139267  
Legal Services of Northern California
- 5 1370 West Street  
Redding, California 96001
- 6 (916) 241-3565
- 7 ILENE J. JACOBS, #126812  
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- 8 818 "D" Street  
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- 9 Marysville, California 95901
- (916) 742-5191
- 10 ROBERT D. NEWMAN, #86534  
Western Center on Law and Poverty, Inc.
- 11 3535 West 6th Street  
Los Angeles, California 90020
- 12 (213) 487-7211

Attorneys for Plaintiffs (continued on next page)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

- 17 STEPHANIE PRATT; JO LYNN
- 18 GREY; GLORIA EDDY; and LISA
- 19 ADAMS; on behalf of themselves and
- 20 all other similarly situated,
- 21 Plaintiffs,
- 22 -vs-
- 23 GEORGE DEUKMEJIAN, Governor;
- 24 THOMAS HAYES, Treasurer;
- 25 GRAY DAVIS, Controller; and
- 26 LINDA McMAHON, Director of
- 27 the California Department of
- 28 Public Social Services,
- Defendants.

NO. CIV-S-90-0896 RAR/JI  
ORDER GRANTING TEMPORARY  
RESTRAINING ORDER AND  
CERTIFYING CASE AS A  
CLASS ACTION

1 CASEY MCKEEVER, #73412  
Western Center on Law and Poverty, Inc.  
2 2000 "O" Street, Suite 240  
Sacramento, California 95814  
3 (916) 442-0753  
4 Attorneys for Plaintiffs

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1 Plaintiffs having moved for a Temporary Restraining Order  
2 pursuant to Rule 65 of the Federal Rules of Civil Procedure and  
3 Class Certification pursuant to Rule 23 of the Federal Rules of  
4 Civil Procedure, and the Court having considered said Motions, the  
5 Complaint, Memoranda of Points and Authorities, Declarations and  
6 Exhibits filed in Support thereof, and having heard the arguments  
7 of counsel and the Court finding that: (a) there is a substantial  
8 likelihood that plaintiffs will prevail on the merits of this  
9 action, (b) absent a Temporary Restraining Order, the individual  
10 plaintiffs and numerous other similarly situated recipients of Aid  
11 to Families with Dependent Children ("AFDC") in California will  
12 suffer immediate and irreparable harm as a result of defendants'  
13 suspension of all AFDC benefit payments pending enactment by the  
14 California State Legislature of a budget for the current fiscal  
15 year and defendants' termination of such AFDC benefits for some  
16 recipients without timely advance notice, and (c) this case  
17 satisfies the requirements for class certification under Rule 23  
18 of the Federal Rules of Civil Procedure.

19 IT IS HEREBY ORDERED that this case shall be certified as a  
20 class action on behalf of all persons in California who are or will  
21 be eligible for assistance from the AFDC program from July 15, 1990  
22 on, but who are not or will not be receiving the assistance due  
23 them in a timely manner because defendants are not disbursing the  
24 necessary funds to the counties for the AFDC program due to the  
25 current budget impasse.

26 IT IS FURTHER ORDERED that plaintiffs need not give notice of  
27 the pendency of this action pending a final judgment.  
28

1 IT IS FURTHER ORDERED, pending a further decision by this  
2 Court on the merits of this action, defendants, their successors  
3 in office, agents, employees and assignees, and all persons acting  
4 in concert therewith: (a) shall refrain from withholding and cause  
5 to be promptly disbursed any and all AFDC benefits which are  
6 currently due or which become due to plaintiffs and members of the  
7 class at any time from the start of the current fiscal year; (b)  
8 shall refrain from withholding and cause to be promptly disbursed  
9 the federal and state monies necessary for the operation and  
10 administration of the AFDC program at any time from the start of  
11 the current fiscal year; and (c) shall refrain from terminating or  
12 reducing AFDC benefits without first mailing written notice of such  
13 adverse action to affected recipient at least ten days beforehand.

14 A hearing shall be held on plaintiffs' Motion for a  
15 Preliminary Injunction on Friday, July 27, 1990, at 11:00 a.m., in  
16 Courtroom 2. Defendants' Opposition to Plaintiffs' Motion shall  
17 be filed and served by the close of business on Thursday, July 19,  
18 1990. Plaintiffs' Reply to Defendants' Opposition shall be filed  
19 and served by the close of business on Tuesday, July 24, 1990. No  
20 security shall be required for the entry of this Order.

21 Defendants may apply to the Court for modification or  
22 dissolution of this temporary restraining order on two court days  
23 notice by personal service or such other notice as the Court may  
24 allow. JUL 13 1990

25 Issued this \_\_\_\_\_ day of July, 1990.

26  
27 EDWARD J. GARCIA

28 UNITED STATES DISTRICT COURT